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No 4310.64



SP E E C H

OF

HON. PALMER E. (HAVENS,

OF ESSEX,

ON THE

(CONSTITUTIONAL² AMENDMENT) QUESTION,

IN THE SENATE,

JANUARY 11, (1865.) — 3

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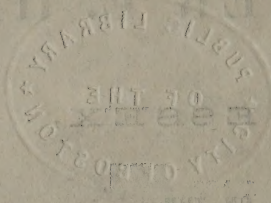
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SPEECH

HON. PALMER E. HAVENS.

IN THE SENATE, January 11, 1865.

Resolved (if the Assembly concur), That our Senators in Congress be instructed, and our Representatives requested, to make all necessary exertions to secure the passage of a resolution by that body, submitting to the Legislatures of the several states a proposition to amend the Constitution of the United States, by adding thereto the following:—

ARTICLE XII.

Section 1. Slavery, being incompatible with a free government, is forever prohibited in the United States; and involuntary servitude shall be permitted only as a punishment for crime.

Sec. 2. Congress shall have power to enforce the foregoing section of this article by appropriate legislation.

Resolved, That his excellency the Governor be requested to forward copies of these resolutions to our Senators and Representatives in Congress.

The Senate having under consideration the foregoing, Mr. HAVENS said—

MR. PRESIDENT: The amendment to the Constitution proposed in this resolution, was considered and acted upon in the National Congress at its last session, but failed to receive the requisite majority to render their action effective.

THE QUESTION PASSED UPON BY THE PEOPLE.

Since that vote was taken, the people have spoken in their might, and northern representatives who had so far failed to comprehend the teachings of the past and the sentiments of their constituents, as to vote against the measure, now stand corrected, if not rebuked for their action. The question of this amendment, I claim, was among the issues passed upon by the national verdict recorded in November last.

The lessons taught by nearly four years of civil war, conceded by all to be the offspring of slavery, had been so deeply impressed upon the public mind, that when it came the people's turn to vote, a popular majority of over 400,000

was recorded in favor of the emancipation policy of the administration.

Enough of the bitter fruits of slavery had already been plucked to bring forth from the people their most solemn decree, that this child of sin and sorrow should no longer be cherished or tolerated in their midst, and whoever disobeys, or attempts to thwart the execution of this mandate will sooner or later feel the weight of the power he has opposed.

If the last great plague which an angry God has inflicted upon the nation, sending the destroying angel of civil war through all our land, until in nearly every family the arrow of death has found its victim, is still unheeded by those who have hitherto chose to harden their hearts and cling to the accursed evil, I venture to predict that a destruction as certain, politically, if not as fearful as that which overtook the pursuers of the enslaved Israelites in their flight from Egypt, awaits them.

REMARKS UPON "HIGHER LAW," AND TEACHINGS OF PROVIDENCE.

Do you say these sentiments smack of *higher law*? I concede it to its fullest extent. I am not so much of an infidel as to believe that He who rules above, and whose omniscient eye watches over all the works of His creation, in so much that a sparrow does not fall without His notice, has no guiding hand in the great events which transpire among the nations of the earth, and that man who has not discovered, in the history of the past four years, that there is a *higher law* which controls our destinies—a Providence, that overrules the events of earth and makes them but the instruments of carrying out His infinite will, shows not only a faith-

less infidel heart, but an ignorance and want of observation, that should excite both the pity and contempt of all rational and intelligent beings.

The *handwriting on the wall*, is now so plain that even Slavery itself, steeped and blinded as it is in the guilt of avarice, oppression and crime, needs no Daniel to interpret the doom that awaits it.

Finite man may attempt, by constitutions and laws, to weld anew the loosened fetters of the slave, but he will soon discover the folly of raising his puny arms in opposition to the *higher decree* of Him, whose Almighty hand grasps our destinies as a nation, and the scroll of whose infinite will has been so clearly unfolded along the sky that overarches us.

Sir, the first lessons I remember to have learned from the pages of that celebrated English author, Sir William Blackstone, were, that all human laws, to be obligatory, must be founded on those eternal principles of justice and truth revealed to man on the pages of *divine inspiration*. Other authors of lesser note vindicate and establish the same wholesome sentiment. Augustine, in a single sentence, sums the whole matter up, and adds the full weight of his saintly authority when he says: "*What is unjust cannot be law.*"

Indeed, I claim that I am abundantly supported by the authority of the greatest and best authors who have ever written, when I assert the doctrine that every law made by man and every decree made by a judicial tribunal, to be binding, must be in harmony with the everlasting, immutable law of God.

I believe that history will not only forgive, but approve, as in harmony with the eternal principles of justice and right, the decision of that Vermont judge, who refused to surrender a fugitive slave "*until his pretended master should show a title deed from the Almighty.*"

This honest judge found the fugitive slave law in conflict with the great principles of humanity and social order—a violation of the *higher law* given by God himself upon Mount Sinai, and as such he held it nugatory and void. And, without stopping at this time to inquire whether the premises from which he reasoned were well taken, will any man risk an issue as to the soundness of the *principle* which conducted him to his conclusion?

Are human statutes and decrees effectual to repeal the laws of God?

As against the command "*thou shalt not covet anything that is thy neighbors,*" can a statute of binding force be framed that will encourage the sordid avarice that covets *all that is thy neighbors*?

As against the command "*thou shalt not steal,*" can human authority legalize a system of wholesale robbery and theft, by which a man is not only deprived of the fruits of his toil, but of all the rights with which the God of nature has endowed him, even the right to himself?

As against the command "*thou shalt not commit adultery,*" can constitutions and laws be framed in support of an institution reeking with licentiousness and adultery as its natural fruits,

evidenced to the world in the tell-tale faces of the colored slave population?

Can the holy and sacred family relation established by God, be uprooted and destroyed by man, and the parent justified by human law in severing all its sacred ties, nay more, in selling his own offspring into bondage?

As against the command "*thou shalt love thy neighbor as thyself,*" what earthly power can legalize the oppression that grinds him to the dust, and subjects him to a life of unrequited toil?

Well might Cicero tell us, in writing upon this subject, that, "*if laws were made by the ordinances of the people, the decrees of princes or the sentences of judges, then the setting up of forged wills might be lawful—adultery might be lawful.*"—De Legibus, Lib. 1, § 17.

Sir, those men who scout the idea of subjection and conformity to a *higher law* in human legislation and human jurisprudence, do but exhibit to the world a groveling nature—a debased and blinded intellect—which has utterly failed to comprehend their relations to their God, and their own destiny as immortal beings, and sooner or later will be compelled to admit the great truth, that injustice can never be framed into law, nor sanctified by the judgment of any court.

Let me be understood. I do not counsel disobedience to human laws and constitutions not framed in accordance with the *higher law* of God.

Until wickedness and corruption have become so rampant in a government and its laws, as to render necessary and justify revolution, our duty is submission, under protest, to the powers that be, and the unjust interpretation of the courts, until by political action, *within the forms of law*, we can purify the source of the fountain that sends forth the bitter waters.

In our own afflicted government, our remedy for the evils which have brought upon us the judgments of God, and drenched our land in blood, is to purge and purify our laws, and so amend our Constitution as to put it beyond the power of Congress or the courts to misunderstand or misinterpret its provisions—not by revolt or revolution, but by the peaceable means provided in the Constitution itself—putting away the accursed thing from our midst by the power of suffrage which we possess.

In this light I do say, that, in our political action, it is our duty to listen to the voice of God in the teachings of the past, and heed the lessons, which in mourning, sorrow, and tears we have already learned, to obey the dictates of reason and humanity, rather than longer yield to the demands of an institution whose main pillars of support are avarice, licentiousness, and a disobedience to that holy command "*Thou shalt love thy neighbor as thyself.*" In this light I do say it is our duty to "*obey God rather than man.*"

THE PEOPLE DEMAND THE ABOLITION OF SLAVERY.

Sir, we have good reason to conclude that a vast majority in this nation have already adopted these views, and are now waiting an

opportunity to pass the decree of eternal banishment against slavery in these United States, and thus forever removing the cause of all our national troubles.

What means the 400,000 majority in favor of the President, who has from the first proclaimed and steadily adhered to these sentiments, and who, previous to his recent election, urged upon Congress the great duty of opening the way for the proposed amendment by the necessary congressional action?

What means the rapidly increasing public sentiment in the slave states themselves in favor of immediate emancipation?

What is the significance of the fact, that the eloquent Douglas is now pleading unmolested for his oppressed race on the very spot where in early life he broke his shackles and fled, himself now joining in the exulting shout, which arises from the 90,000 emancipated slaves of his native state, now robed in the garments of liberty and justice, "*Maryland's Free?*"

What means the lightning flash which this very evening electrifies the nation with the joyful news that Missouri has cast off the dark mantle of slavery, and joined the family of the noble and the free? All hail Missouri, as yet the youngest child of freedom. We will rejoice unrestrained over thy birth, and at thy christening dress thee in shining robes, and decorate thee with beautiful garlands, and welcome thee to the noble inheritance of liberty.

What means the recent proclamations of the Governor of Kentucky, and the decisive movement in the legislature of that slave state, on the 6th of the present month, in favor of *immediate emancipation*?

What means this rapid revolution in the southern mind, wherever the tyrannical censorship of slavery is removed and the people enjoy the freedom of thought and speech guaranteed by the Constitution, insomuch that a large majority have become enthusiastic *abolitionists*, anxious voluntarily to abolish slavery, and accept in its stead the blessings of freedom and free labor?

Mr. President—Are there yet among us cold hearted, misanthropic advocates and defenders of slavery, so blinded by their love of this iniquitous institution as to be still unconvinced of their error by the logic of events and the teachings of Providence, and who are still endeavoring to stem the increasing, resistless torrent of public opinion—still wasting their breath in taunting and deriding those who favor emancipation, as *abolitionists and fanatics*. Sir, they occupy no enviable position.

Crusted over with the sins and pollutions which slavery ever generates and fosters in the human heart, clinging to the carcass of the dying monster, already struck with the gangrene of its own inherent moral corruption, they are doomed to an infamy which will grow deeper and more damning as the holy cause of freedom, justice and truth shall grow and flourish on this continent.

If by the term *abolitionist* is meant one who favors the banishment of slavery from our nation through the forms of law and constitu-

tional amendments, then I count the title as a badge of honor.

THE CONSTITUTION DOES NOT RECOGNIZE SLAVERY. HOW SLAVERY GAINED ITS POWER.

I have never thought to make war against slavery except within the pale of the Constitution and the laws; but while I assert this, and have ever held it a duty to submit to the action of our government and the decision of our courts, however unrighteous and unjust, I am bold to deny that, by any just interpretation of the Constitution in its true spirit, tenor and effect, the institution of slavery is either recognized or upheld.

The dismal words *slave* and *slavery* do not appear in the Constitution. So that the unnatural pretension of property in man must rest on inference alone, and when from the preamble we find that the object of the Constitution is announced to be "*in order to form a more perfect union, establish justice, ensure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity*;" and when we read also, from the body of the instrument, the unrestricted provision, "*no person shall be deprived of life, liberty, or property, without due process of law*," we are struck with astonishment, and ready to inquire by what strange delusion or hallucination reason had been so far dethroned as to recognize slavery in the Constitution.

No answer to this inquiry can be gathered from the debates and action of the convention that framed and adopted it, but on the contrary we learn from their proceedings that they studiously avoided the recognition of slavery.

Mr. Madison said in the constitutional convention, that "*it was wrong to admit in the Constitution the idea that there could be property in man*," and through the efforts of such wise and noble minds as he, it was not done. (3 Madison's papers, 1629.)

Sir, if it was *wrong* then, it is worse now.

Every instinct of patriotism and conclusion of reason is against the abomination, and revolt at the idea of making the Constitution a shield for such wickedness.

The wise and good men who laid the foundation of our government, and fashioned the sublime architecture of our Constitution, never dreamed that they were tolerating within the sacred edifice a tenant, which, when nourished into full grown life, would seize upon its stately pillars and attempt its overthrow and destruction—tear down its altars of liberty and erect upon their ruins a throne of absolutism and death.

Every sentiment uttered by our fathers in their published discussions at the convention shows most clearly that they tolerated slavery only because it promised speedy dissolution.

They found it in the temple of liberty which they had reared; stamped it in their discussions as antagonistic to the genius and spirit of our institutions, and left it, as they supposed, to droop and die, with no suspicions of the dreadful power that slumbered in embryo in its political germ.

Schooled, as they were, in the events of a successful seven years' war, waged in defense of principles utterly destructive of slavery, they did not doubt but the development and growth of those principles in the nation would, by the mere force of their superior power and antagonism to slavery, soon exterminate it from the land.

I challenge the production of evidence, from any source, that the framers of our Constitution considered slavery compatible with a free government, and I submit that the only reason why a *prohibitory section* was not originally embraced in its provisions was because they had not as yet had experience with slavery as a political power.

Entertaining these views, it is deeply humiliating to me, as an American citizen, that slavery should, even while the nation was in its swaddling cloths, gain the entire ascendancy over the free north and so long wield the power of the government and shape and control its legislation.

Adroitly appealing to the baser passions of the human heart, and holding out to the north the *glittering prize which ambition covets*, it soon brought the nation humbly to its feet—itsself a cringing, fawning sycophant—a debased slave.

It early opened its aggressive warfare against the principles upon which our government was founded, and commenced its long catalogue of insatiable demands upon freedom.

Every department of the government was defiled and polluted with its filthy touch.

It raised its opposition alike to the development of the national resources, the cultivation of science and education, the preservation of the public morals, and the purity of religion. Its blighting, withering touch was seen and felt upon all that was lovely and sacred in the land.

It pushed forward its increasing strength, and swelling columns in a crushing dead-march over every object that interfered, or stood in the way of its own power and aggrandizement.

Its loud and angry cry of *give—give*—continually coming up from the South, was ever responded to by the yielding, cringing North, appeasing its rapacity and anger by offering more than was demanded, until the nation grew stupid and indifferent to its overshadowing power, and apparently insensible to the danger which threatened the annihilation of all our cherished free institutions.

It made its attack upon our courts of justice; and our highest judicial tribunal, in whom the people trusted as a bulwark to protect their liberties, fell under its insidious power. Justice fled before its poisonous influence, and a final decision was made in support of slavery, which will forever cover its authors with infamy.

It is no wonder, then, that with this sad history before them, the people have at last arisen in judgment against this fell destroyer of their dearest rights—this murderer of their sons—this enemy of mankind. Let the public servants of the Empire State do their part towards putting this judgment in execution, and we may hope soon to rejoice in a regenerated republic. The resolutions under consideration when narrowed down to rules of argument pre-

sent but one issue, the *incompatibility of slavery with a free government*.

THE POWER TO MAKE THE PROPOSED AMENDMENT.

No questions can be raised as to the power and right of making the proposed amendment.

The fifth article of the Constitution of the United States reads as follows:

1. The Congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to this Constitution; or, on the application of the legislatures of two-thirds of the several states, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three-fourths of the several states, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; provided that no amendment which may be made prior to the year one thousand eight hundred and eight, shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no state, without its consent, shall be deprived of its equal suffrage in the Senate.

It will be seen that its provisions are ample and *unrestricted* except as therein stated, and as soon as the necessary legislation which they require can be procured, we shall make short work of removing forever that element of power, which, unauthorized by constitutional enactment, has, through the supineness of the North, gained such dangerous foothold in our government, forever disturbing the tranquillity of our nation, and finally enveloping us in the circling, whirling, leaping, red-flame of civil war.

Our fathers in wisdom saw that amendments to the fundamental law would become necessary, adapting it to the changes incident to the development of the nation, and took from us all excuse for revolution, by giving us this peaceable means of redress.

When the people of the different states adopted the Constitution, they did so with all the risks and responsibilities incident to the first, as well as the other articles contained therein, guarding it against inconsiderate and hasty legislation, and solemnly agreeing to submit to the action of the required majorities under the same.

The arrangement was equitable and fair to all.

All expected that the then young and feeble nation, would wax strong and great, and develop in its growth, wants, necessities and dangers, which could not then be foreseen, and hence provision was made that the organic law could by its own force be moulded and amended from time to time to meet these new demands and necessities as they should arise.

I know that the power to abolish slavery by the proposed amendment is denied. I noticed, this day, sir, in the columns of one of our city papers, the remarks of the Hon. Representative in Congress, from the 14th district, of this state, in which he argues against our jurisdiction over this question. He does not, however, assign reasons to which I can, for one moment, assent.

It has never been denied, to my knowledge, that the framers of our Constitution could, at the time of its adoption, have inserted a clause that slavery should not thereafter exist, and the institution should be abolished, and that

such a provision, if ratified by the necessary vote, would have been obligatory and binding upon all the people of the Union.

Indeed, we all know that the power did originally exist in the people, to form and shape their Constitution, in all its provisions and bearings, in accordance with their own sovereign will. Have the people lost that power, sir? If so, when and how?

Cannot the same power which originally could have abolished slavery, exerted in the same manner, under the provisions of article five, abolish it now? Has slavery since become an object outside the pale of political government?

Is it one of those sacred things—one of those "*inalienable rights*" which cannot be reached or affected by constitutions and laws, however much the interests of society, and the safety and prosperity of the commonwealth may demand it?

In what part of the Constitution is slavery excepted from the scope of this general clause providing for amendments? Sir, it cannot be found, but on the contrary, there is evidence on the face of the instrument itself, that slavery was regarded by the framers of our Constitution as a subject for future political action.

The ninth section of article first, provides that Congress shall not prohibit the importation of slaves prior to the year 1808, and in the fifth article providing for amendments, a proper exception is made to carry out this provision, so that no conflicting amendment should be made prior to 1808.

Is not the conclusion fair and logical that but for the exception named, the Constitution could have been so amended as to prohibit the slave trade prior to 1808.

This very exception, then, I argue, is conclusive to show that all subjects and matters not excepted, are within the power of amendment provided.

Does it require more power to prohibit the slave trade than to abolish slavery?

I can only say, sir, that the statesman must be bold and hard pushed in argument, who will attempt to make a distinction between the two.

Sir, from the commencement of this war and previous, we have had a class of men among us who seemed to have no burden on their hearts, except the fear that slavery would in some manner be interfered with or injured.

When, as a military measure, to aid in putting down the revolt, the President, as commander-in-chief, attempted to weaken the foe by proclaiming liberty to their slaves, one general howl went up from these defenders of slavery, that it was *unconstitutional* to deal thus with rebels and traitors.

And now, when it is proposed to rid the nation of the great evil that has rent our country in anguish and bloodshed, by the exercise of a power too plain and clear to admit of reasonable doubt, a few of this same class of men, with like absurdity, are sorely exercised with the same constitutional trouble.

Sir, with these men, I shall never expect that anything will ever be constitutional, which in any degree militates against the interest or existence of slavery, and I leave them to grumble and pine over their difficulties, and choose myself to jump on board Freedom's car, destined soon to roll over this whole institution of wrong and oppression, and all who cling to and attempt to support its tottering timbers.

THE QUESTION OF COMPATIBILITY CONSIDERED.

This question of compatibility then, is all there is before us.

Slavery is defined by Webster to be, "*the state of entire subjection of one person to the will of another.*"

As between master and slave, this is a pure despotism, and it scarcely needs argument to show, that a system purely despotic in its character, can never work in harmony with a free republican form of government—our experience has made it a truism, which southern statesmen also admit, that an antagonism, an "*irrepressible conflict*," if you please, exists between the two, which never can be reconciled.

The fruit which this despotic system has already borne, is alone sufficient to settle this question.

Having interwoven itself with the entire social fabric of the South it instinctively assumed a political organization, by which, for a long period, it controlled the nation and moulded its action to its own arbitrary will; and when it could no longer do this, true to its despotic instincts, it sought the death of the republic, and the erection upon its ruins of an oligarchy based upon the anti-republican dogma that "the right to govern resides in a very small minority, and the duty to obey is inherent in the great mass of mankind."

Look again at the fruits which this system bears in the states and local governments where it has uninterrupted sway. Its existence, even there, rendered it necessary to hedge itself about with barbarous codes, utterly and irreconcilably opposed to the genius of our free institutions, in direct violation of the fundamental principles of our national Constitution, and a deep and damning disgrace to civilization itself.

What living man, I pray to know, who has a conscience in which the fire of truth and honesty is not entirely extinguished, can examine these infamous codes, enacted to shut out the light of science and revelation from the dark mind of the slave and hold him in the chains of ignorance and death, and then unblushingly assert that slavery is compatible with a free government.

It is utterly in vain to attempt to separate *domestic* from *political* slavery. The dogma upon which domestic slavery rests, spontaneously grows into political action, and the same controlling principle by which one man is held in entire subjection to the will of another, would *politically* subject the large majority to the rule of a very small minority.

Here, again, there is no better test than that adopted by Patrick Henry—the "*lamp of experience*," in whose light we see and know that

domestic slavery, backed by its immense capital in human chattels, and the concentrated political power which grew out of the system, threw its coils so closely and firmly around northern representatives, that the entire nation soon became bound in the fetters of governmental slavery.

These two children of human avarice and ambition were at first joined in unholy wedlock under the dome of our capitol—sacrilegiously plighting their criminal vows upon the altar of liberty; and as the natural result of the incestuous alliance, their infernal progeny are now attempting to destroy that sacred altar, and rear in its place the black throne of human slavery.

Sir, we can cast our eyes upon no page of our country's history where the truth does not stand forth self-evident and immutable as the laws of God—"slavery is incompatible with a free government."

From amidst the carnage and desolations of war, robbed in the habiliments of suffering, sorrow and death, this great truth is now thundering in the ears of the nation for recognition.

Shall we continue to turn a deaf ear to its solemn appeal? Shall we continue to stand out against the judgments of an angry God, until thousands of other beating hearts are silent in death, and the wasting stream of national treasure shall grow wider and deeper in its flow?

Have not desolation and anguish gathered around a sufficient number of the hearthstones in our land? Shall the blood of the nation continue to flow, and unnumbered graves yet be filled with the victims of the war before we will arise and purify ourselves from the curse which is upon us?

Rest assured, sir, the dark cloud of sorrow and death which overhangs this nation will never be rifted to admit the sunshine of peace, until we have purged ourselves from those elements of the bottomless pit from which its blackness of darkness was gathered.

While I have never doubted the ultimate triumph of the right, I have a firm belief, based on the past dealings of Providence with other nations, and his own infinite nature as revealed to man, that we shall be held in the fiery crucible of civil war until, in deep humility, we finish the work of cleansing our skirts from the sins and abominations of slavery.

SLAVERY COMPARED WITH THE DIFFERENT OBJECTS FOR WHICH THE CONSTITUTION WAS FRAMED.

In further advocating the passage of these resolutions, I desire to take up in order the several objects to be accomplished by our Constitution as recited in its preamble, and examine this question of compatibility as to each.

The first object enumerated is "*to form a more perfect union.*"

Sir, the ink was scarcely dry which recorded the vote upon the final adoption of the Constitution, before slavery, with its keen foresight, discovering the consequences which at some future day might possibly result to itself from the consolidation thus established, flatly denied, in the very teeth of the record, that the

people had "formed a more perfect union," asserting that it was a mere compact between the states which might be dissolved at pleasure.

By such barefaced falsehoods and assumptions as these, and by angry threats to enforce their doctrines of state sovereignty and right of secession, for a long time they terrified and held in check the masses of the North from the full enjoyment of their constitutional rights, and prepared the way for the destruction of the Union, in the event of freedom gaining the ascendancy in the nation.

The North, finally aroused to a sense of its danger, shook itself from its slumber like a young lion, and for once asserted its rights and vindicated by its political action the grand principles of justice, liberty and union, upon which the government was based.

The slave power, no longer able, either by its blandishments or threats, to control the government, as a last resort, flew to arms, and by nearly four years of bloody conflict, has sought to enforce its doctrine of secession and disunion.

Sir, after all this, is it difficult to determine whether slavery is compatible with the first object named? "*A more perfect union?*"

The second object named is "*to establish justice.*"

Slavery compatible with justice? then sin is compatible with holiness, and darkness with light. Slavery is simply *injustice*, and whenever justice is established, slavery is destroyed.

Two more irreconcilable enemies never met, and, in the very nature of things, when they come in contact, a war of extermination ensues, and one or the other must succumb and be annihilated.

Justice is defined to be "the virtue which consists in giving to every one what is his due, in practical conformity to the laws, and to the principles of rectitude in the dealings of men with each other."

Slavery, in all its bearings and results, is the absolute opposite of this.

I ask, then, in the name of reason, if it is possible to "establish justice," and at the same time maintain slavery?

Let the dark and terrible record of our young Republic furnish an answer to him who needs it.

Let him trace the history of political excitement and incessant strife between these mortal foes until they culminate in the awful scenes of war, and the bravest and best blood of the nation flows in torrents in the mighty struggle at this moment in the full tide of its power—a struggle upon which all Christendom is gazing with an intensity of interest and anxiety never before excited on this earth. A struggle which in its very nature admits of no compromise, and the din of whose fierce and fiery conflict will drown all the silver toned appeals for peace, until either justice is established on the tomb of slavery, or the proud and haughty demon shall have subjugated the nation to its yoke of everlasting servitude and oppression.

The next object to be considered in our inquiry is that "*to ensure domestic tranquillity.*"

Has slavery proved itself compatible with this?

When, I ask, has the nation had repose from this great disturber? In what part of our fair land can we go where its footprints are not seen, breeding turmoils and strifes with its restless, meddling genius?

In the so-called times of peace there was not a page of political, legislative, judicial or ecclesiastical history written, but was marked with pro-slavery agitation, generating continual war in our national system, and disturbing our domestic tranquillity; robbing the people of repose, and consuming the energies and life of the nation with the continual fever of excitement produced by its ever-exacting, intolerant aggressions, and its jarring, rasping collisions with the moral sense and spirit of freedom which pervaded the North.

During the last four years our domestic tranquillity has been enveloped in the smoke of a hundred battle-fields—in the dark, impenetrable cloud of war inaugurated by slavery and waged by its panoplied hosts for the destruction of our nationality.

The drapery of mourning in the broken family circles that fill our land, and the thousands of bleeding hearts rent with anguish for the loved ones slain in battle everywhere, give sorrowful evidence that, instead of being a promoter, slavery is a merciless destroyer of our domestic tranquillity.

Next in order is the object "to provide for the common defense."

Can we provide for the common defense by maintaining and cherishing in our midst an invincible enemy?

The elements of strength in a republic must consist in the harmonious action of all the various interests and pursuits of its citizens. Its educational interests; its moral and religious purposes; its social organization, as well as its systems of labor, must be homogeneous and supporting to each other, to secure concentration of national strength.

Let there be discord and collision between these various interests, purposes and pursuits, and in proportion to the extent of its violence the government will be weakened in its power for common defense.

Without dwelling upon this count in my indictment against slavery, I charge that it has weakened every element of our national strength, by an aggressive warfare upon the principles of our government, and our system of free labor, by sowing the seeds of distraction in our social, religious and political organizations; holding a check upon our manufacturing and commercial interests; debauching the public morals and shutting out from the masses, so far as in its power, the light of science and divine revelation. "To promote the general welfare" is next recited.

If the upbuilding of a proud and haughty aristocracy, and the debasement of the masses, promotes the general welfare, then slavery has the true idea, and has faithfully carried it out in practice.

It seems almost needless to waste time upon this point. The idea that the general welfare of

a state or nation can be promoted by holding four-fifths of its population in ignorance and degradation, is supremely ridiculous.

The education and elevation of the masses—republican equality—free labor and rewarded industry, are the pillars of a nation's strength, and the true sources of its prosperity in a free government like ours, and the grand march of progress is only successful when the energies of the nation are diffused through all classes, and the rewards of industry and the pursuit of knowledge are alike open to all.

Sir, in support of this truth I can cite no grander, more sublime demonstration than that exhibited by the free states of the Union at this moment, compared with the slave states in revolt.

At the commencement of the war, the opinion extensively prevailed upon both continents, that the 8,000,000 of population in revolt, with the stolen advantage their treachery had gained, could never be conquered to subjection to the government; and indeed there was little in past history to encourage such a gigantic undertaking.

But how stands the account to-day? Instead of overrunning the North with their campaigns and enriching themselves with the spoils of our commercial cities, as the rebel authorities boastfully threatened at the outbreak, their efforts in that direction have been punished with signal defeats and heavy losses, compelling them to fall back and accept the theatre of war upon their own soil.

Already the larger portion of the revolted territory has been reclaimed by the Union armies, and the few strongholds that remain are held in seige with an iron grasp that will never be relaxed until the flag of our Union is reinstated and again floats over their conquered fortresses. Their treasury and credit has sunk in insolvency beyond the hope of resurrection. Their armies worn out and beaten, and left without reserves or further resources from which to fill their thinned and shattered ranks; with disaffection widely spread, and fanned by utter despair of success; every productive interest of their country utterly destroyed; blockaded, surrounded, cut asunder and pierced on all sides with cordons of bristling bayonets, the rebel leaders now stand piteously shaking and quaking in an awful struggle between their pride and their perilous necessity, hesitating whether to abandon the idol for which they rebelled, liberate and arm their *chattels* to fight their battles, sell themselves to the highest European bidder who will risk the title, or yield at once to the government they have attempted to overthrow.

Contrast this with the condition of the free north.

After raising near two millions of troops—a larger drain than any European nation, except Russia, could bear—the supply is still adequate to the demand. There is no thinning of the crowds in the marts of commerce; there are no vacant houses in village or country. The natural increase of population, combined with emigration from abroad, more than repairs the waste of war, so that our population is actually

increasing, notwithstanding the fearful losses in battle and by disease.

Every industrial pursuit has prospered beyond precedent in spite of the enormous expenses of the war, and all the material resources of the country have steadily augmented, and I venture the assertion that to-day the nation is stronger and better able to cope with foreign or domestic foes than when it was aroused to action by the guns of Sumter.

Sir, I come now to the last, the grandest and most sublime object set forth by the people in the formation of the Constitution, "to secure the blessings of liberty to ourselves and our posterity."

I never give reflection to this feature in our Constitution without exciting in my heart the liveliest admiration for the high-toned christian philanthropy which prompted this enactment.

I remember well among my early lessons of law, the beautiful remarks of our own celebrated Story, in his commentaries on the Constitution, where he treats of this feature, in the following words:

"Surely no object could be more worthy of the wisdom and ambition of the best men of any age.

"If there be anything which may justly challenge the admiration of all mankind, it is that sublime patriotism which, looking beyond its own times and its own fleeting pursuits, aims to secure the permanent happiness of posterity by laying the broad foundations of government upon immovable principles of justice.

"Our affections indeed may naturally be presumed to outlive the brief limits of our own lives, and to repose with deep sensibility upon our own immediate descendants.

"But there is a noble disinterestedness in that forecast which disregards present objects for the sake of *all mankind*, and erects structures to protect, support and bless the most distant generations."

The great man, also, whose pen drafted the declaration of our independence in the same sentiment, wrote as follows:

"Can the liberties of a nation be thought secure when we have removed their only firm basis—a conviction in the minds of the people that these liberties are the gift of God, that they are *not to be violated but with His wrath*."

Sir, the great question before us is, shall this priceless heritage of liberty—this "gift of God" to our nation be extended in the christian spirit so eloquently expressed by the distinguished commentator I have quoted, "to *all mankind*" who inhabit our land or seek our shores to enjoy its blessing, or shall we in the spirit of avarice and injustice still deny to 4,000,000 of people this blessing which an impartial God designed for all, and thus longer incur the *wrath* of God, against which the great Jefferson warned us.

Sir, the thunders of every battlefield are but the warning voice of an offended God, calling us from the error of our ways, made hard and rough, and sorrowful by our transgressions, and slippery too, with the warm and smoking blood of our brothers and friends.

Shall we heed this warning voice and hasten to write the death-warrant of slavery in our Constitution, by adopting the proposed amendment, and thus "proclaim liberty throughout the land to all the inhabitants thereof."

This alone will place our nation on the grand highway of happiness, prosperity and glory. This will give us firm enduring peace through generations to come, this will "secure the blessings of liberty to ourselves and our posterity."

SLAVERY HAS VIOLATED THE CONSTITUTION AND DENIED ITS SUPREMACY.

Mr. President, I might safely rest the argument here, but I will not leave this infamous institution of slavery without arraigning it for other crimes and offenses not yet enumerated.

I charge that it has violated and prevented the enforcement of the Constitution in its most vital provisions.

Section 2 of Article VI reads as follows:

This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the constitution or laws of any state to the contrary notwithstanding.

This was the cementing provision which made our Union perfect and converted the elements of the old confederacy into a complete and abiding nationality.

Slavery has from the first made war upon this provision, and refused to obey the Constitution as the "supreme law of the land."

Look over its records, and tell me where, in all its territory, the following provision was ever observed:

"The citizens of each state shall be entitled to all the privileges and immunities of citizens of the several states."

This important provision made us all *peers of one realm*, and gave us equal rights of citizenship in every part of the consolidated nation.

Intimately connected with this provision is the following:

"Congress shall make no laws respecting an establishment of religion or *prohibit the free exercise thereof*, or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble and to petition the government for a redress of grievances."

With the sacred rights enumerated in these provisions no state could interfere, no local legislature could abridge or destroy, without a violation of the bond of union.

What has been the conduct of slavery in this regard? When and where in all the South, have the sacred rights of religion been respected? Who has forgotten their bitter relentless persecution of the Methodists, carried on in a spirit of malignity and cruelty, scarcely equaled in European annals?

No religion that recognizes and maintains the eternal attributes of justice and love to man, inculcated in the gospel of peace, can be tolerated where slavery bears rule. No religious denomination, cherishing that spirit of love, which flows from the holy injunction, "Whatsoever

ye would that men should do to you, do ye even so to them," can be allowed to grow and thrive, under the heathen power which *withholds the Bible from the poor*.

No matter how clearly all these rights of conscience and religion are defined in the Constitution, slavery ever has, and ever will, while its power shall last, trample them under its despotic heel, and rob the Church of God of the brightest jewels of its faith.

Nor has the slave power been less intolerant toward the right of free discussion.

No man has ever been allowed to proclaim and advocate the divine doctrines embraced in the Declaration of Independence, in any portion of the slave-cursed land, save at the risk of his life from the violence of mobs, encouraged and sanctioned, and usually participated in by the public authorities.

Even in the halls of Congress these public men have attempted to enforce the principles of their black censorship over the freedom of thought and speech of northern freemen, with brute violence. Unable otherwise to shield themselves from the two-edged sword of truth, true to the instincts and principles which govern them at home, they have resorted to the bludgeon as a substitute for reason and argument.

The right of petition has met no better fate. When slavery trampled upon the guaranteed rights of the citizens, and put its crushing hand upon the non-slaveholding whites of the South, as well as the colored race, no peaceable assemblages by the people to consider their grievances and petition the government for redress were ever allowed. The political and social power of the slave aristocracy was at once brought to bear upon and crush out every means of relief guaranteed by the Constitution.

While slavery could everywhere hold its conventions, pass its resolutions and petitions, put forth its threats, and mature its plans for trampling on the rights of free labor and carrying out its own despotic will, and while it enjoyed in every part of the Union the right of free discussion unmolested, the lovers of liberty, wherever its power could reach, were compelled to be submissive, silent and dumb under its inexorable demands.

Every source of political and social power, every judicial, ministerial and executive officer, from the highest to the lowest, were arrayed on the side of slavery; and when, with this monopoly of power, and the aid of their black codes, they could not carry out their hellish purposes within the forms of law, the case was immediately handed over to a cruel, merciless mob—a fit auxiliary to slave laws and slave courts—and with most fearful accuracy it performed its work.

Thus do I charge, sir, that slavery has most shamefully disregarded the supremacy of the Constitution, and denied "to the citizens of each state the privileges and immunities of citizens in the several states."

I have endeavored to show that slavery is incompatible with all the noble objects for which our Constitution was framed—that it has per-

sistently violated its provisions and denied its supremacy—waged relentless war upon freedom and free labor, and trampled in the dust the rights of citizenship within its dominions.

The propositions I have submitted have been so nearly self-evident that it has seemed difficult to argue them.

The antagonistic principles compared have been so violently opposed—the incompatibility so apparent, as to render proof and argument almost superfluous.

The truth is, Mr. President, this institution of slavery—this "corner stone" of the so-called Southern Confederacy, has, by its own history and by its own acts, demonstrated to the world that it is no more and no less than a great national nuisance, which, upon every principle of sound law and sound reason, should be immediately abated.

The conscience and moral sense of the people have now become so sensitive toward this great sin, that conclusions are forced upon the mind with the rapidity of thought, and argument at best lingers far behind.

Ennobling ideas and aspirations have taken possession of the public heart, and are destined sooner or later to raise our beloved country to a higher and purer civilization, in which justice, mercy and truth shall assert their jurisdiction, and man no longer enslave his fellow man.

QUESTION OF COMPENSATION.

I come now to consider one other great question, which is agitated in connection with the proposed amendment. I refer to the question of compensation to the slave master of the South.

Compensation for what, sir? How much shall be paid by a Christian nation in recognition of the barbarous, groundless pretension of property in man?

How much shall be paid for the right to debase a human being, hold him in the chains of ignorance, and forever exclude from his mind the Book of Life?

How much for the privilege of robbing him of the fruits of his toil?

How much shall we vote, sir, to compensate the southern libertine for relinquishing his right to invade the sacred family relations and loosening his grasp upon the victims of his avarice and lust?

As well might we vote compensation to the highway robber for desisting from his crimes. As well reward the hardened offender who will covenant to keep the ten commandments, cease from stealing and adultery, and cease to covet his neighbor's wife.

Sir, I believe in compensation in this case; but I would take the money from the coffers of the master, accumulated by robbing the slave of his hard earnings, and pay it to the slave with liberal interest.

In the court of heaven, sir, this would be the adjudication between these parties.

Sir, I have seen the day when I would have voted a ransom (not compensation) to redeem the race in bondage and abolish the curse of slavery, but that day is forever past. A kind Providence has opened the door for their redemp-

tion, without subjecting us to such deep humiliation.

My own watchword now is, "millions for defense, but not a cent for tribute." I would vote millions more of men and money to defend the nation against the treason of the slave masters, but not one cent of tribute as the spoils of their iniquity and the reward of their oppression.

CHEERING PROSPECTS.

Mr. President—The prospect is most cheering that the proposed amendment will soon prevail. The friends of freedom in Congress are rallying to its support. They are cheered on to the consummation of their glorious work by the victories already gained over the foe with whom they contend.

Our national capitol, and the dome of our temple of liberty, is no longer enveloped in the dark cloud of slavery. Our territories are forever protected from the curse of the destroyer.

The proclamation of freedom, perched on the banners of the Union armies, carries liberty to

the slave in their victorious march. The spirit of emancipation seems to fill the very atmosphere which surrounds us, and is penetrating the hearts of the people in slavery on all sides, and the golden fruits of ultimate triumph are already gathering around us. Every pulsation of the popular heart sends the warm blood of freedom to the very extremities of national life. We shall soon pass the Red Sea of all our difficulties, leaving naught but overwhelming destruction to those who attempt to obstruct our onward march.

The progress of this great movement is onward and irresistible. The harvest of blood through which we are passing shall yield its compensation in a glorious fruition to all our hopes. The conflict of thoughts and ideas which, like lightning, play among the clouds of this war, will never cease, until from the lakes to the gulf, and from ocean to ocean, one glad shout from millions of rejoicing hearts shall announce to the world that America is redeemed from the curse of human slavery.

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